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EXAMINER	
MANNING, JOHN	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/654,727	ARATANI, SHUNTARO	
	Examiner	Art Unit	
	John Manning	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4 and 6-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7* is/are allowed.

6)☒ Claim(s) *1,4,6 and 8-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 16-19 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US Pat No 6,463,585).

In regard to claim 1, Hendricks et al. discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. Both claimed limitations of "processing means for executing a plurality of processes, wherein the plurality of processes include at least one of processes of program record reservation, listening/viewing reservation and program data reproduction" and "control means for controlling said processing means to execute the plurality of processes in accordance with the code assigned by said

assigning means" are met by set top box 220. The set top box 220 has processing means as illustrated in Figure 35. The examiner interprets the claimed limitation of "plurality of processes include at least one of processes of program record reservation, listening/viewing reservation, program detailed information display, and program data reproduction" to be written in the alternative, such that the claimed limitation may be met by either a "program record reservation", "listening/viewing reservation" *or* "program data reproduction". The disclosed system provides a "listening/viewing reservation". "In the 12:30 Channel 1 entry of Table A, two menu codes are shown. By allowing two menu codes, programs that may fit under two different category descriptions may be shown in both menus to the subscriber. With this minimal amount of information being communicated to the set top terminal 220 on a regular basis, the terminal is able to determine the proper menu location for each program and the proper time and channel to activate for the subscriber after his menu selection" (Col 24, Lines 5-15). The user uses the provided menu to make the reservation. The claimed limitation of "input means for inputting program data and program information of the program data" is met by Figure 4. The computer assisted packaging system (CAP) receives program data and program information input from various databases. "The CAP 260 receives data from one or more databases, such as the operations center Database 268 and the Cable Franchise Information Database 269 shown in FIG. 4" (Col 18, Lines 11-12). The claimed limitation of "assigning means for automatically assigning each program with a unique code corresponding to the process to be executed to the program" is met by the systems shown in Figures 4 and 5. The unique code corresponding to the process to

be executed to the program can be met by the aforementioned listening/viewing reservation. An "intelligent alpha-numeric code is assigned to each program. This alpha-numeric code identifies the category of the program, the menu in which the program should be displayed, its transmission time(s), and the position on the menu that the program should be displayed. In a preferred embodiment, the program control information, including menu codes, is sent continuously from the operations center 202 to the network controller 214, and ultimately to the set top terminal 220" (Col 23, Lines 19-26).

The method described in claim 16 is met by that discussed above for claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4-6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Wehmeyer et al. (US Pat No. 5,867,226).

In regard to claim 4, the Hendricks et al. reference discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. The reference fails to disclose the use of a "searching means" for searching the program information. Wehmeyer et al teaches, "searching for specific television programs which satisfy certain criteria

concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hendricks et al. reference to use a system for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time.

In regard to claim 5, the Wehmeyer et al. reference discloses the use an auxiliary text display for providing the user with detailed information regarding the program of interest. It is noted that the examiner interprets the claim as being written in the alternative such that the claimed limitation may be met by "processes of program record reservation", "listening/viewing reservation", "program detailed information display" or "program data reproduction."

In regard to claim 6, the disclosed system implicitly allows for a plurality of users.

In regard to claim 8, Wehmeyer et al. reference discloses the use of a plurality of search condition set by the user for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. The Hendricks et al. reference discloses outputting code information from the operations center 202 to the set top box 220 in the form of menus.

In regard to claim 10, the Hendricks et al. reference discloses outputting code information from the operations center 202 to the set top box 220 in the form of menus.

6. Claims 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Wehmeyer et al. as applied to claims 4-6 and 8 above, and further in view of Sullivan (US Pat No. 6,591,421).

In regard to claims 9 and 11, the references above disclose both a system for assigning program codes corresponding to processes, and the use of a "searching means" for searching the program information. Both the Hendricks et al. and the Wehmeyer et al. fail to explicitly disclose the outputting of code information to a printer. Sullivan teaches outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hendricks et al. and the Wehmeyer et al. reference to output system information so as to so as to provide the use with another form of output.

In regard to claims 12 and 13, the Sullivan reference discloses a system for outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). The reference fails to explicitly disclose the use printing at a predetermined time and means for manually setting the predetermined time as claimed. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to use predetermined printing times and providing means for manually setting the predetermined time so as to allow the user to print information on a regular basis for convenience. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Sullivan reference with

predetermined printing times and means for manually setting the predetermined so as to allow the user to print information on a regular basis for convenience.

In regard to claim 14, the Hendricks et al. reference discloses both a system for assigning program codes corresponding to processes. The code information is output to the display in the form of menus.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al.

In regard to claim 15, the Hendricks et al. reference discloses a computer assisted packaging system with workstations 262. The reference fails to explicitly disclose inputting means for manually inputting the code. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to implement the Hendricks et al. reference with inputting means for manually inputting the code so as to allow the user of the workstation at the operations center to make adjustment to the code.

8. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Sullivan.

In regard to claim 17 and 18, Hendricks et al. discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. Both claimed limitations of "processing means for executing a plurality of processes, wherein the plurality of processes include at least one of processes of program record reservation, listening/viewing reservation and

program data reproduction" and "control means for controlling said processing means to execute the plurality of processes in accordance with the code assigned by said assigning means" are met by set top box 220. The set top box 220 has processing means as illustrated in Figure 35. The examiner interprets the claimed limitation of "plurality of processes include at least one of processes of program record reservation, listening/viewing reservation, program detailed information display, and program data reproduction" to be written in the alternative, such that the claimed limitation may be met by either a "program record reservation", "listening/viewing reservation" *or* "program data reproduction". The disclosed system provides a "listening/viewing reservation". "In the 12:30 Channel 1 entry of Table A, two menu codes are shown. By allowing two menu codes, programs that may fit under two different category descriptions may be shown in both menus to the subscriber. With this minimal amount of information being communicated to the set top terminal 220 on a regular basis, the terminal is able to determine the proper menu location for each program and the proper time and channel to activate for the subscriber after his menu selection" (Col 24, Lines 5-15). The user uses the provided menu to make the reservation. The claimed limitation of "input means for inputting program data and program information of the program data" is met by Figure 4. The computer assisted packaging system (CAP) receives program data and program information input from various databases. "The CAP 260 receives data from one or more databases, such as the operations center Database 268 and the Cable Franchise Information Database 269 shown in FIG. 4" (Col 18, Lines 11-12). The claimed limitation of "assigning means for automatically assigning each program with a

unique code corresponding to the process to be executed to the program" is met by the systems shown in Figures 4 and 5. The unique code corresponding to the process to be executed to the program can be met by the aforementioned listening/viewing reservation. An "intelligent alpha-numeric code is assigned to each program. This alpha-numeric code identifies the category of the program, the menu in which the program should be displayed, its transmission time(s), and the position on the menu that the program should be displayed. In a preferred embodiment, the program control information, including menu codes, is sent continuously from the operations center 202 to the network controller 214, and ultimately to the set top terminal 220" (Col 23, Lines 19-26). The Hendricks et al. reference fails to explicitly disclose the outputting of code information to a printer. Sullivan teaches outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hendricks et al. and the Wehmeyer et al. reference to output system information so as to so as to provide the use with another form of output. The reference also fails to explicitly disclose inputting means for manually inputting the code. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to implement the Hendricks et al. reference with inputting means for manually inputting the code so as to allow the user of the workstation at the operations center to make adjustment to the code.

9. Claims 19-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Ismail et al. (US Pat No 6,614,987).

In regard to claims 19 and 20, Hendricks et al. discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. The set top box 220 meets the limitation of receiving means for receiving a television signal containing image data of a plurality of programs. The claimed limitation of "assigning means for assigning a code to each of the plurality of programs received by said receiving means corresponding to the process to be executed to the program, wherein the plurality of processes include at least one of processes of program record reservation, listening/viewing reservation and program data reproduction" is met by the systems shown in Figures 4 and 5. The examiner interprets the claimed limitation of "plurality of processes include at least one of processes of program record reservation, listening/viewing reservation and program data reproduction" to be written in the alternative, such that the claimed limitation may be met by either a "program record reservation", "listening/viewing reservation", "program detailed information display" *or* "program data reproduction". The disclosed system provides a "listening/viewing reservation". "In the 12:30 Channel 1 entry of Table A, two menu codes are shown. By allowing two menu codes, programs that may fit under two different category descriptions may be shown in both menus to the subscriber. With this minimal amount of information being communicated to the set top terminal 220 on a regular basis, the terminal is able to determine the proper menu location for each program and the proper time and channel to activate for the subscriber after his menu selection" (Col 24, Lines 5-15). The user uses the provided menu to

make the reservation. An "intelligent alpha-numeric code is assigned to each program. This alpha-numeric code identifies the category of the program, the menu in which the program should be displayed, its transmission time(s), and the position on the menu that the program should be displayed. In a preferred embodiment, the program control information, including menu codes, is sent continuously from the operations center 202 to the network controller 214, and ultimately to the set top terminal 220" (Col 23, Lines 19-26). The unique code corresponding to the process to be executed to the program can be met by the aforementioned listening/viewing reservation. The reference fails to disclose the use of recording means for recording the image data in a storage medium, code inputting means for manually inputting an optional code and control means for controlling said recording means in accordance with the code. Ismail et al. teaches disclose the use of recording means for recording the image data in a storage medium, code inputting means for manually inputting an optional code and control means for controlling said recording means in accordance with the code. "Recording manager 112 operates to cause recordation and storage of television programs 105 and attribute information 107 in accordance with information generated by preference agent 110 and stored in preference database 116. Recording manager 112 also responds to user requests to record particular programs and to user requests to record programs having specified category-value pairs" (Col 4, Lines 28-34). Also, "by specifying an identification code for the program, recordation of that program is given priority over programs rated by the preference agent" (Col 10, Lines 18-21). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify

the Hendricks et al. reference recording means for recording the image data in a storage medium, code inputting means for manually inputting an optional code and control means for controlling said recording means in accordance with the code so as to record data in a user convenient way.

In regard to claims 22 and 23, Hendricks et al. discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. The set top box 220 meets the limitation of receiving means for receiving a television signal containing image data of a plurality of programs. The claimed limitation of "assigning means for assigning a code to each of the plurality of programs received by said receiving means corresponding to the process to be executed to the program, wherein the plurality of processes include at least one of processes of program record reservation, listening/viewing reservation and program data reproduction" is met by the systems shown in Figures 4 and 5. An "intelligent alpha-numeric code is assigned to each program. The examiner interprets the claimed limitation of "plurality of processes include at least one of processes of program record reservation, listening/viewing reservation and program data reproduction" to be written in the alternative, such that the claimed limitation may be met by either a "program record reservation", "listening/viewing reservation" *or* "program data reproduction". The disclosed system provides a "listening/viewing reservation". "In the 12:30 Channel 1 entry of Table A, two menu codes are shown. By allowing two menu codes, programs that may fit under two different category descriptions may be

shown in both menus to the subscriber. With this minimal amount of information being communicated to the set top terminal 220 on a regular basis, the terminal is able to determine the proper menu location for each program and the proper time and channel to activate for the subscriber after his menu selection" (Col 24, Lines 5-15). The user uses the provided menu to make the reservation. An "intelligent alpha-numeric code is assigned to each program. This alpha-numeric code identifies the category of the program, the menu in which the program should be displayed, its transmission time(s), and the position on the menu that the program should be displayed. In a preferred embodiment, the program control information, including menu codes, is sent continuously from the operations center 202 to the network controller 214, and ultimately to the set top terminal 220" (Col 23, Lines 19-26). The unique code corresponding to the process to be executed to the program can be met by the aforementioned listening/viewing reservation. Further, "types of information that can be sent via the program control signal include: number of program categories, names of program categories, what channels are assigned to a specific category (such as specialty channels), names of channels, names of programs on each channel, program start times, length of programs, description of programs, menu assignment for each program, pricing, whether there is a sample video clip for advertisement for the program, and any other program, menu or product information" (Col 22, Lines 62-67; Col 23, Lines 1-4). The reference fails to disclose the use of recording means for recording the image data in a storage medium, code inputting means for manually inputting an optional code and control means for controlling said recording means in

accordance with the code. Ismail et al. teaches disclose the use of recording means for recording the image data in a storage medium, code inputting means for manually inputting an optional code and control means for controlling said recording means in accordance with the code. "Recording manager 112 operates to cause recordation and storage of television programs 105 and attribute information 107 in accordance with information generated by preference agent 110 and stored in preference database 116. Recording manager 112 also responds to user requests to record particular programs and to user requests to record programs having specified category-value pairs" (Col 4, Lines 28-34). Also, "by specifying an identification code for the program, recordation of that program is given priority over programs rated by the preference agent" (Col 10, Lines 18-21). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hendricks et al. reference recording means for recording the image data in a storage medium, code inputting means for manually inputting an optional code and control means for controlling said recording means in accordance with the code so as to record data in a user convenient way.

10. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Ismail et al. and in further view of Wehmeyer et al.

In regard to claim 21, the Hendricks et al. reference discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. The combination of Hendricks et al. and Ismail et al. reference fails to disclose the use of a "searching means" for

searching the program information. Wehmeyer et al teaches, "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hendricks et al. reference to use a system for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time.

In regard to claim 24, the Hendricks et al. reference discloses a targeted advertisement system with menu-driven program selection. The disclosed signal processing apparatus consists of an "operations center" 202 or "head end" working in conjunction with the STB 220 as detailed in Figure 3. The combination of Hendricks et al. and Ismail et al. reference fails to disclose the use of a "searching means" for searching the program information. Wehmeyer et al teaches, "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1, Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hendricks et al. reference to use a system for "searching for specific television programs which satisfy certain criteria concerning a user's viewing preferences" (Col 1,

Lines 43-45) so as to increase the chances of a user successfully locating a desirable program in a short amount of time.

Allowable Subject Matter

As previously indicated, claim 7 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or fairly suggest searching means that adds a search point if a program matches a search condition and selects a program having a high search point, and the search condition includes a condition that the search point lowers more as the number of assignment times of the code by said assigning means for the plurality of processes is larger, as recited in claim 7.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
June 26, 2005

JOHN MILLER
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TECHNOLOGY CENTER 2600